



4.4.3 Compliance with Applicable Laws

The selected contractor will be required to administer the program pursuant to the authority and rule requirements as well as terms and conditions included in the contract and any other applicable laws including the Health Insurance Portability and Accountability Act. Nothing in this section shall be construed to limit the contractor's duty of loyalty or conflict of duty requirement including the regulations promulgated under section 2606 of the Health Insurance Portability and Accountability Act of 1996 (Pub. Law 104-191) (42 USC 2601 and 2605 title).

AT&T Response:

AT&T has read, understands, and will comply.

4.4.4 Audit/Inspection of Records, Monitoring and Reporting Requirements

The awarded contractor must permit State, Federal, or any other duly authorized agent of a governmental agency to audit, inspect, examine, review, and/or transfer the contractor's records during the term of the contract and for one year thereafter following the termination of contract or final payment, as applicable. The contractor complies with the contract term to allow for continuous monitoring. The contractor will also permit these state described audits to allow for a review conducted by the contractor pursuant to the terms of the contract. The contractor will be responsible for its sole discretion, decisions, any or appropriate action taken in the event of internal evaluation procedures, termination of program if the state of Colorado is not satisfied, or any other reasonable procedure.

The successful Contractor may also have a performance review conducted of its program by the Department of Regulatory Agencies determination. This needs to be reviewed by the contractor and will be in the Contractor's expertise.

The Department of Regulatory Agencies reserves the right to require the contractor to have its financial audit conducted during the term of the contract. If required, the audit must be carried out by use of the minor accounting firm. If the contractor does not currently conduct the contractor's fiscal audit. A complete copy of the audit including the final audit letter must be provided to the Department of Regulatory Agencies within five working days of its completion. The Department of Regulatory



AT&T will respond fully with the contract terms, and any exception to or change from the model.

AT&T will provide the financial statements, including balance sheet and income statement, for the previous two years, and a copy of the contract, and any other documents requested by the State or its principal. AT&T will also provide any other documents requested by the State or its principal.

AT&T Response:

AT&T has read, understands, and will comply.

4.4.5 Contract Acceptance

AT&T will fully accept, understand, and comply with the provisions, terms, and conditions of the State of Colorado Model Contract, which is attached as Appendix C.

AT&T Response:

AT&T has read and complies.

We propose the following changes to Appendix C, Model Contract:

C. State's Option to Extend

The State may require continued performance for a period of ~~Insert number of 2 years~~ at the same rates and same terms specified in the Contract, as mutually accepted by the state and the Contractor. If the State exercises this option, it shall provide written notice to Contractor at least 30 days prior to the end of the current contract term in form substantially equivalent to **Exhibit Insert letter of applicable Exhibit (A, B, C, etc).** If exercised, the provisions of the Option Letter shall become part of and be incorporated into this Contract. The total duration of this Contract including the exercise of any options under this clause, shall not exceed ~~Insert number of 5 years~~.

D. Subcontracts

~~Copies of any and all subcontracts entered into by Contractor to perform its obligations hereunder shall be submitted to the State or its principal~~



~~representative upon request by the State. Any and all subcontracts entered into by Contractor related to its performance hereunder shall comply with all applicable federal and state laws and shall provide that such subcontracts be governed by the laws of the State of Colorado.~~

17. RIGHTS IN DATA, DOCUMENTS, AND COMPUTER SOFTWARE

Any software, research, reports, studies, data, photographs, negatives or other documents, drawings, models, materials, or Work Product of any type, including drafts prepared by Contractor created specially and directly related to the services provided in the performance of its obligations under this Contract shall be the exclusive property of the State and, all Work Product shall be delivered to the State by Contractor upon completion or termination hereof. The State's exclusive rights in such Work Product shall include, but not be limited to the right to copy, publish, display, transfer, and prepare derivative works. Contractor shall not use, willingly allow, cause or permit such Work Product to be used for any purpose other than the performance of Contractor's obligations hereunder without the prior written consent of the State.

4.4.6 SUB-CONTRACTORS

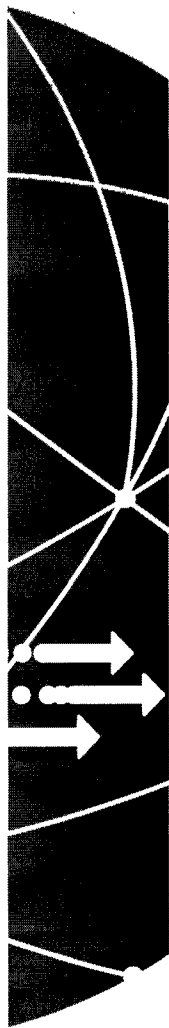
Contract use of subcontractors shall be clearly planned to be provided in the scope of any subcontract. However, the prime Offeror shall be responsible for contract performance whether or not subcontractors are used. Current employees of the State of Colorado may not participate as sub-contractors of the award. The only contract for the State will be the prime Offeror.

AT&T Response:

AT&T has read and meets this requirement.

As stated in several sections of this RFP response, we will be using only one subcontractor, CapTel, to deliver the services required. We do not use any current employees of the state. Additionally, AT&T is fully responsible for all provisions of the contract performance.

Contract terms with CapTel are proprietary and confidential and may not be disclosed to third parties.



AT&T Response:

AT&T will comply with all work requirements described herein, and with the general contract requirements and terms and conditions, with changes as described in 4.4.5 above.

4.4.8 OWNERSHIP

AT&T Response:

January 3, 2012



4.4.9 EMPLOYMENT OF STATE PERSONNEL

The Offeror shall not knowingly engage on a full-time, part-time or other basis any individual during the period of the contract who is individually involved in preparation of the RFP or the selection, award and/or award of the full-time contract.

AT&T Response:

AT&T has read, understands, and will comply.

4.4.10 TRANSITION REQUIREMENTS

4.4.10.1 Upon award of the contract, the Offeror shall work with the Colorado Public Utilities Commission and any other organizations designated by the Colorado Public Utilities Commission to insure an orderly transition of services and responsibilities under the contract and to ensure the continuity of those services required by the Colorado Public Utilities Commission,

AT&T Response:

AT&T has read, understands, and will comply.

4.4.10.2 Upon expiration, termination, or cancellation of the contract, the Offeror shall assist the Colorado Public Utilities Commission to ensure an orderly transfer of responsibility and/or the continuity of those services required under the terms of the contract to an organization designated by the Colorado Public Utilities Commission, if requested in writing.

AT&T Response:

AT&T has read, understands, and will comply.



4.4.10.3 The Offeror shall deliver, FOB destination, all records, documentation, reports, data, recommendations, or printing elements, etc.. which were required to be produced under the terms of the contract to the Colorado Public Utilities Commission and/or to the Colorado Public Utilities Commission's designee within seven (7) days after receipt of the written request in a format and condition that are acceptable to the Colorado Public Utilities Commission.

AT&T Response:

AT&T has read, understands, and will comply.

4.4.10.4 The Offeror shall agree to continue providing any part or all of the services in accordance with the terms and conditions, requirements and specifications of the contract for a period not to exceed 150 calendar days after the expiration, termination or cancellation date of the contract for a price not to exceed those prices set forth in the contract.

AT&T Response:

AT&T has read, understands, and will comply.

4.4.10.5 The Offeror shall discontinue providing service or accepting new assignments under the terms of the contract, on the date specified by the Colorado Public Utilities Commission, in order to ensure the completion of such service prior to the expiration of the contract.

AT&T Response:

AT&T has read, understands, and will comply.

4.4.10.6 The Offeror shall make arrangements to transfer all toll-free telephone numbers used to provide intrastate relay services within Colorado to any subsequent contractor providing TRS as directed by the Colorado Public Utilities Commission.



AT&T Response:

AT&T has read, understands, and will comply.

4.4.11 PAYMENT

After the close of each month, the Offeror shall submit an invoice to the State Regulatory Administrator (SRA) for the previous month's work. Such invoice shall be delivered to the SRA by the 15th of the month. The SRA and/or the COPLU shall within 30 days of the monthly invoice, notify it if it is determined that the invoice is erroneous, absent, not a bill of lading, or if the error and request a corrected copy. The State cannot process payment for a duplicate invoice. The Offeror must submit a corrected invoice to the SRA within 15 days of the receipt of the invoice. The State will make payment within 30 days of receipt of the invoice. Total reimbursement shall not exceed the amount of the invoice. The State will not accept any invoice submitted to the State with any other conditions, terms, or conditions.

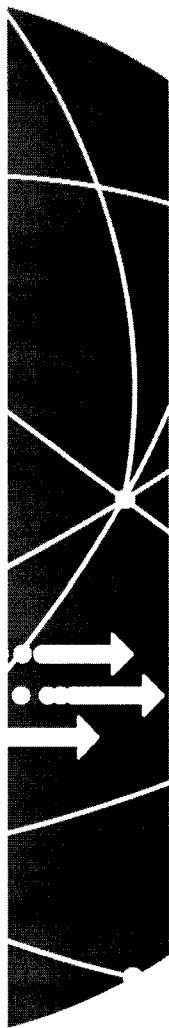
AT&T Response:

AT&T has read, understands, and will comply.

AT&T will provide a monthly invoice, via electronic media acceptable to the State, by no later than the 15th calendar day following the month of service, or in the event that the 15th calendar day falls on a weekend or on a holiday recognized by the State, the information will be provided on the subsequent business day. The information provided will be reconcilable to source data, e.g., Network reports, and will further be supported by reports.

4.4.12 RECORDS MAINTENANCE

The Offeror shall maintain its records of TRS operations so as to permit review and determination of such operations. Such records shall be made available during regular business hours for inspection by the Colorado Public Utilities Commission or its designee. The Offeror shall maintain a complete file of all records, documents, correspondence and other materials which pertain to the operation of the service or the delivery of services under this agreement.



AT&T has read, understands, and will comply.

4.4.14 IDENTIFICATION OF POSSIBLE ONEROUS PROVISIONS OF THIS REP

1. *Conduct a search for information* (The group should read and discuss the cases of the 1990s and 2000s, and then discuss the impact of the 9/11 attacks on the world.)

AT&T has read, understands, and will comply.

13. Since the EEP, the State does not participate, that it has added any requirements beyond those that are required for EEC certification or parts of a State's basic relay services, it should add significantly to the cost per minute charged by a relay vendor, from other sources. And there are no such requirements, it should so state. Alternatively, the State should identify any such requirement and an estimate of the cost per minute that would have to be charged as a result.



AT&T Response:

AT&T has read and meets this requirement.

We feel the RFP has not added any requirements beyond those already required for FCC certification or as part of basic relay service.

4.4.15 Financial & Organizational Strength

4.4 15.1 Successful Offeror, together with any subcontractors, must demonstrate that they have the financial resources to perform all requirements of this RFP. Provide information on the financial strength of your organization, and include a copy of your audited (as applicable to your company's organizational structure) financial statements from the last three (3) years, or, if the Offeror has not been in business for three (3) years, since the business began.

AT&T Response:

AT&T has read and meets this requirement.

AT&T Reports Solid Third-Quarter Earnings, Strong Growth, Robust Mobile
and Broadband Growth, and Improving Wireline Revenues
Dallas, Texas, October 20, 2011

AT&T Inc. (NYSE:T) today reported third-quarter results, highlighted by solid earnings and free cash flow, continued strong mobile broadband growth and sequential growth in wireline business revenues.

"Mobile broadband growth continues to be robust, execution was strong across the business, and we delivered another solid quarter," said Randall Stephenson, AT&T chairman and chief executive officer.

"Smartphones, connected devices and tablets all posted impressive gains. Our first LTE-4G markets are up and running with terrific speeds. And we continue to work toward a successful completion of our planned T-Mobile USA merger. The next waves in the mobile Internet revolution represent tremendous growth potential, and we are laying the groundwork required for that future."

Third-Quarter Financial Results



For the quarter ended September 30, 2011, AT&T's consolidated revenues totaled \$31.5 billion, down \$103 million, or 0.3 percent, versus the year-earlier quarter.

Compared with results for the third quarter of 2010, AT&T's operating income margin was 19.8 percent, compared to 17.2 percent; operating expenses were \$25.2 billion versus \$26.2 billion; and operating income was \$6.2 billion, up from \$5.4 billion.

Third-quarter 2011 net income attributable to AT&T totaled \$3.6 billion, or \$0.61 per diluted share. These results compare with reported net income attributable to AT&T of \$12.3 billion, or \$2.07 per diluted share, in the third quarter of 2010, which included one-time gains from a tax settlement and the sale of Sterling Commerce. Excluding one-time gains, earnings were \$0.54 in the third quarter a year ago.

Third-quarter 2011 cash from operating activities totaled \$10.4 billion, and capital expenditures totaled \$5.3 billion. Free cash flow — cash from operating activities minus capital expenditures — totaled \$5.1 billion.

Compared with results for the first nine months of 2010, year to date through the third quarter, cash from operating activities totaled \$27.2 billion versus \$25.4 billion; capital expenditures totaled \$14.7 billion compared to \$13.7 billion; and free cash flow totaled \$12.4 billion versus \$11.6 billion.

Please see the enclosed CD for AT&T's Annual Reports for the past three years which include:

- Statement of income and related earnings
- Cash flow statement
- Balance sheet
- Opinion concerning financial statements from an outside CPA

Our subcontractor, CapTel, is a privately held company whose financial information is proprietary and confidential.

4.4.15.2 Please explain how your company's business plan financially supports the awarded outsource examination contract in light of your organization's growth in the coming years.



AT&T Response:

AT&T has read and meets this requirement.

AT&T is a successful global corporation, as demonstrated in its response to 4.4.15.1 (above). AT&T will utilize its existing Relay infrastructure and resources to provide TRS services to Colorado, and has partnered with the industry leader for the provision of CTS service to the state.

4.4.15.3 Provide evidence of general liability insurance coverage and specific insurance you carry that covers professional and examination losses, e.g. professional liability or errors and omissions insurance (see Sample Contract, Exhibit A for requirements of State).

AT&T Response:

AT&T has read and meets this requirement.

As per the sample contract, we will provide a Certificate of Insurance upon award of the contract.

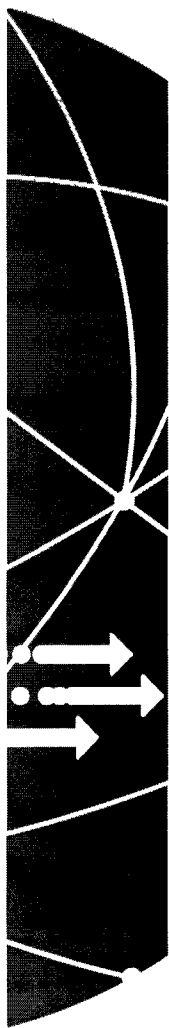
4.5 Cost

The description of the proposal must contain the Offeror's fixed price per call service to be provided. The cost per call service minute must include all costs associated with the provision of the proposed services. Cost must include the costs of both maintenance and repair services. The Offeror must indicate only a fixed price for both maintenance and repair services. The Offeror must indicate only a fixed price for both maintenance and repair services.

AT&T Response:

AT&T has read and meets this requirement.

Please see our pricing proposal in the separately sealed folder.



AT&T PRICE PROPOSAL
TRS and CTS

Year	Contract Period	Price per Session Minute
1	07/2012 - 06/2013	\$ 1.5390
2	07/2013 - 06/2014	\$ 1.5390
3	07/2014 - 06/2015	\$ 1.5390

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Exhibit E

**COPY OF COLORADO STATE TRS STATUTES
AND
COLORADO PUC TRS RULES**

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the 1st Regular Session of the Sixty-Eighth General Assembly of the State of Colorado as well as Constitutional and Statutory amendments approved at the General Election on November 6, 2012 ***

TITLE 40 UTILITIES PUBLIC UTILITIES

ARTICLE 17. TELECOMMUNICATIONS RELAY SERVICES FOR DISABLED TELEPHONE USERS

C.R.S. 40-17-101 (2012)

40-17-101. Legislative declaration

(1) The general assembly hereby finds, determines, and declares that many of Colorado's residents are unable to utilize telecommunications facilities without assistance and are therefore disabled telephone users. Disabled telephone users include, but are not limited to, the deaf, the hard of hearing, the speech-impaired, the deaf-blind, and those with central nervous system disabilities. Disabled telephone users constitute a substantial and valuable resource within the United States and the state of Colorado, and this segment of our population needs access to telecommunications facilities in order to be contributing and productive members of our society. The role of telecommunications in our world today is inestimable. Telecommunications is the primary vehicle of commerce and industry, the means to convey and receive information and knowledge, and is one of the ways we communicate with others on a personal as well as business level. Telecommunications results in greater independence and self-sufficiency by expanding the channels for employment opportunities, the market for goods and services, human contact, and fellowship. Disabled telephone users should have equal access to this critical tool, not only for their own sake, but for the benefit of society at large. The ability to use telecommunications will enhance the business and personal lives of disabled telephone users, while stimulating and promoting economic development in Colorado. The general assembly recognizes the vitality and potential of Colorado's disabled, including disabled telephone users. Telecommunications is vital to our society, and its availability to disabled telephone users is an investment of benefit to all of Colorado.

(2) The general assembly therefore concludes that it is appropriate to provide access to telecommunications for disabled telephone users by establishing telecommunications relay services that replace and expand the dual party relay system required pursuant to this article as said article existed prior to July 1, 1992.

HISTORY: Source: L. 92: Entire article R&RE, p. 2132, § 1, effective July 1.

Cross references: For excavation requirements for underground utility facilities, see article 1.5 of title 9; for requests for criminal activity information from public utilities, see article 15.5 of title 16; for authority and procedure for the valuation and assessment of public utilities, see article 4 of title 39; for organization and operation of special districts, see title 32.

Editor's note: This article was added in 1989 and was not amended prior to 1992. The provisions of this article were repealed and reenacted in 1992, resulting in the addition, relocation, and elimination of sections as well as subject matter. For the text of this article prior to 1992, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated.

Editor's note: This section is similar to former § 40-17-101 as it existed prior to 1992.

C.R.S. 40-17-102 (2012)

40-17-102. Definitions

As used in this article, unless the context otherwise requires:

- (1) "Commission" means the public utilities commission of the state of Colorado.
- (2) "Local exchange company" means a telecommunications company that provides telephone access lines to members of the general public who are its customers.
- (3) "Telecommunications relay services" means any telecommunications transmission services that allow a person who has a hearing or speech disability to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who does not have a hearing or speech disability. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other non voice terminal device and a person who does not use such a device.
- (4) "Telephone access line" means the access to the local exchange network, as defined in tariffs approved by the commission, from the premises of an end user customer of a local exchange company to the telecommunications network to effect the transfer of information.

HISTORY: Source: L. 92: Entire article R&RE, p. 2133, § 1, effective July 1.

Editor's note: This section is similar to former § 40-17-102 as it existed prior to 1992.

C.R.S. 40-17-103 (2012)

40-17-103. Commission - powers and duties

- (1) The commission shall administer and contract for telecommunications relay services.
- (2) The commission shall adopt rules for the implementation of this article. The rules shall:
 - (a) Conform with section 401 of the federal "Americans with Disabilities Act of 1990", 47 U.S.C. sec. 225, including provision for state application to the federal communications commission for certification;
 - (b) Be consistent with the commission's quality of service rules;
 - (c) Require that providers relay communicated messages promptly and accurately, maintain the privacy of persons who receive telecommunications relay services, and preserve confidentiality of all parties in connection with relayed messages;
 - (d) Specify the types of calls that are included as telecommunications relay services, specifically requiring that the costs of any long-distance service or any other service that is not a basic local exchange service be borne by the disabled telephone user.
- (3) The commission shall, through the promulgation of rules, develop and implement a mechanism to recover its costs and the cost to local exchange companies in implementing and administering telecommunications relay services required by this article. The mechanism shall, at a minimum, provide for the following:
 - (a) The assessment of a monthly surcharge on each telephone access line, which surcharge may be adjusted by the commission in accordance with paragraph (d) of this subsection (3). The monthly surcharge shall be an amount sufficient to reimburse the commission for its costs in developing, implementing, and administering telecommunications relay services, which administrative costs shall not exceed three percent of the total costs, to reimburse local exchange companies for their administrative costs in imposing and collecting the surcharge, and to cover the costs of providers in rendering the service.
 - (b) A requirement that the monthly surcharge be imposed upon and collected from each individual telephone access line provided by a local exchange company;
 - (c) A requirement that the surcharge be listed as a separate item that appears on each customer's monthly billing statement;
 - (d) An annual adjustment to the surcharge by the commission when necessary to accurately reflect a change in the cost of providing telecommunications relay services;
 - (e) The authority of a local exchange company to deduct and retain as reimbursement for its administrative costs an amount not to exceed three-quarters of one percent of the amount of total monthly surcharges collected by such local exchange company. In addition, the mechanism shall include a requirement that any remaining amount of moneys be transmitted to the state treasurer who shall credit the same to the "Colorado Disabled Telephone Users Fund" created by section 40-17-104.

(f) A requirement that each local exchange company maintain a record of the monthly surcharge imposed on each customer and collected by the local exchange company. The record of any monthly surcharge imposed and collected shall be maintained for three years from the date of billing. The commission may require an audit of a local exchange company's records, which audit shall be at the commission's expense.

(4) Repealed.

HISTORY: Source: . L. 92: Entire article R&RE, p. 2134, § 1, effective July 1. L. 93: (3)(e) amended, p. 1794, § 93, effective June 6. L. 96: (4) repealed, p. 1225, § 32, effective August 7. L. 2001: (2)(a) amended, p. 1283, § 65, effective June 5.

Editor's note: This section is similar to former § 40-17-104 as it existed prior to 1992.

Cross references: For the legislative declaration contained in the 1996 act repealing subsection (4), see section 1 of chapter 237, Session Laws of Colorado 1996.

C.R.S. 40-17-104 (2012)

40-17-104. Colorado disabled telephone users fund - creation - purpose

(1) Except as otherwise authorized to be retained by section 40-17-103 (3) (e), all moneys collected by the local exchange companies in accordance with said section shall be transmitted to the state treasurer, who shall credit the same to the Colorado disabled telephone users fund, which fund is hereby created and is referred to in this article as the "fund". On July 1, 1992, any moneys in the Colorado disabled telephone users fund created by section 40-17-103, as said section existed prior to July 1, 1992, shall be credited to the fund as created by this section. The general assembly shall make annual appropriations out of such fund for the administration of the fund and shall make annual appropriations to the reading services for the blind cash fund, created in section 24-90-105.5 (5), C.R.S., for use by the state librarian in support of privately operated reading services for the blind. The moneys in such fund not used for administration of such fund, not used for the reading services for the blind cash fund, and not used for the Colorado commission for the deaf and hard of hearing cash fund created in section 26-21-107, C.R.S., are hereby continuously appropriated to the public utilities commission for the reimbursement of providers who render telecommunications services authorized by this article.

(2) and (3) Repealed.

(4) (a) Notwithstanding any provision of subsection (1) of this section to the contrary, the general assembly shall make annual appropriations from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund, created in section 26-21-107, C.R.S.

(b) and (c) Repealed.

(d) Notwithstanding any provision of subsection (1) of this section to the contrary, the general assembly shall make annual appropriations from the Colorado disabled telephone users fund to cover authorized expenses associated with the Colorado commission for individuals who are blind or visually impaired, created in article 8.7 of title 26, C.R.S. Any annual appropriation made from the Colorado disabled telephone users fund by the general assembly shall not exceed an amount of one hundred twelve thousand sixty-seven dollars.

(5) and (6) (Deleted by amendment, L. 2006, p. 1170, § 1, effective May 25, 2006.)

HISTORY: Source: . L. 92: Entire article R&RE, p. 2135, § 1, effective July 1.L. 98: Entire section amended, p. 1361, § 122, effective June 1.L. 99: (1) amended and (3) added, p. 971, § 1, effective May 28.L. 2000: (1) amended and (4) added, p. 1628, § 4, effective June 1.L. 2002: (5) added, p. 159, § 20, effective March 27; (4)(c) added, p. 777, § 3, effective May 30; (2) and (3) repealed, p. 1006, § 2, effective August 7; (3) repealed, p. 261, § 2, effective August 7.L. 2003: (6) added, p. 459, § 21, effective March 5.L. 2006: (4)(a), (5), and (6) amended, p. 1170, § 1, effective May 25.L. 2007: (4)(d) added, p. 1222, § 4, effective August 3.

Editor's note: (1) This section is similar to former § 40-17-103 as it existed prior to 1992.

(2) (a) Subsection (4)(b)(II) provided for the repeal of subsection (4)(b), effective July 1, 2001. (See L. 2000, p. 1628.)

(b) Subsection (4)(c)(II) provided for the repeal of subsection (4)(c), effective July 1, 2003. (See L. 2002, p. 777.)

Effective September 18, 2012, Emergency Rules of Cap to Switched Access /HCSM expired.
Brackets [] and red text indicate where expired text has been removed.
Effective December 30, 2011, HCSM Rules adopted in Docket No. 10R-191T,
Effective September 14, 2010, Fining Rules adopted in Docket No. 09R-845T.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

✓ Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

✓ RULES REGULATING TELECOMMUNICATIONS PROVIDERS, SERVICES, AND PRODUCTS

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2808. Service Deposit.

Providers shall not collect a service deposit in order to initiate LITAP service, if the qualifying low-income customer voluntarily elects toll limitation from the carrier, where available. If toll limitation is unavailable, the carrier may charge a service deposit.

2809. Federal Reporting Requirements.

Each ETC shall file information with the administrator of the federal Lifeline program demonstrating that the carrier's LITAP plan meets the criteria set forth in 47 C.F.R., Part 54, Subpart E, and stating the number of qualifying low-income customers and the amount of state assistance.

2810. – 2819. [Reserved]

Telecommunications Relay Services for Disabled Telephone Users

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to implement Article 17 of Title 40, C.R.S., Telecommunications Relay Services (TRS) for Disabled Users compliant with the federal Americans with Disabilities Act of 1990 and which are consistent with the Commission's quality of service rules; require relay-communicated messages to be delivered promptly, accurately, privately, and confidentially; specify the types of calls that are included as telecommunications relay services; and implement a cost recovery mechanism.

The statutory authority for the promulgation of these rules is found at §§ 40-3.4-106; 40-15-502(3)(a); 40-17-103(2) and (3); and 40-2-108, C.R.S.

2820. Applicability.

Rules 2820 through 2839 are applicable to all providers of basic local exchange telecommunications services, certificated to do business in the state.

2821. Definitions [Reserved].

2822. Incorporation by Reference.

References in rules 2820 through 2839 to Part 64 are references to rules issued by the FCC and have been incorporated by reference, as identified in rule 2008.

2823. Conformity with the Federal Americans with Disabilities Act of 1990.

- (a) Adoption of federal regulations. For the purpose of providing telecommunications relay services in Colorado, the Commission adopts the FCC's rules and regulations establishing mandatory minimum operational and technical standards, found at 47 C.F.R. §§ 64.601 and 64.604 (a) and (b). These rules require that telecommunication relay service providers relay communicated messages promptly and accurately, maintain the privacy of persons who receive telecommunications relay services, and preserve confidentiality of all parties in connection with relayed messages.

- (b) **Enforcement.** The Commission shall resolve any formal complaint alleging a violation of this rule pursuant to its normal complaint process, except that the Commission shall take final action regarding such formal complaint within 180 days after the formal complaint is filed.
- (c) **Public access to information.** All local exchange providers and IXCs, through publication in their directories, periodic billing inserts, placement of telecommunications relay services instructions in telephone directories, through directory assistance services, and incorporation of telecommunications relay service numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and the use of telecommunications relay services.
- (d) The FCC has assigned the abbreviated dialing code 7-1-1 for access to telecommunications relay services. All providers of local exchange services must allow for call completion using this abbreviated dialing code.
- (e) **Jurisdictional separation of costs.**
 - (I) Where appropriate, the costs of providing telecommunications relay services shall be separated in accordance with applicable federal separations procedures and agreements (see § 40-15-108(1)).
 - (II) Costs caused by interstate telecommunication relay services shall be recovered according to applicable federal rule. Costs caused by intrastate telecommunication relay services shall be recovered from the intrastate jurisdiction consistent with this rule.

2824. Conformity with the Commission's Quality of Service Rules.

The provider of TRS in Colorado shall be subject to any applicable Commission quality of service rule(s). In the case of conflict between the Commission's rule and the federal rule incorporated by reference in rule 2822, the more stringent of the two shall apply.

2825. Rates – Calls Included as Telecommunications Relay Calls.

Intrastate local, intraLATA interexchange, and interLATA interexchange calls shall be included as TRS. The costs of any toll service or any other service that is not a basic local exchange service is to be borne by the TRS user; however, the TRS user shall pay rates no greater than the rate paid for functionally equivalent voice communication services with respect to factors such as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

2826. Commission Powers and Duties.

- (a) The Commission shall administer and contract for telecommunications relay services with a telecommunications provider (Contractor). The Commission, as Administrator, shall direct that the cost of these services shall be paid from the Colorado Disabled Telephone Users Fund. The contract shall conform to these rules, and shall make available adequate procedures and remedies for enforcing the requirements.

- (b) Each month, the Contractor shall request reimbursement of its expenses from the Commission. The Commission shall, upon its approval of the expenses, remit the approved amount to the Contractor and shall debit the approved amount from the Colorado Disabled Telephone Users Fund.

2827. Administration of the Colorado Disabled Telephone Users Fund.

- (a) Fund administration. The Commission shall determine, and by appropriate order, impose a uniform charge on each business and residential access line in a uniform amount. In order to adjust the uniform charge the Commission requires certain information. To assist the Commission:
 - (I) In compliance with annual state budget cycle timelines and requirements, the Commission shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S.
 - (II) If the monthly uniform charge, per access line, as determined by the Commission, exceeds 15 cents, the Commission shall within 20 days prepare a report for the Legislative Appropriation Committees which would justify any additional increase in the monthly uniform charge.
- (b) Uniform charge.
 - (I) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed to each access line provided by each LEC.
 - (II) The uniform charge shall not be included in each subscriber's bill as part of the subscriber's base rate. The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each local exchange provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Fund."
 - (III) Upon collecting the uniform charge, each local exchange provider may retain, from the total charges collected, a vendor fee in the amount of three-fourths of one percent of the amount of total monthly uniform charges collected by such local exchange provider. The vendor fee is intended to reimburse local exchange providers for administrative costs in imposing and collecting the uniform charge. No later than the last day of the following month, each local exchange provider shall remit to the Commission or the State Treasurer the amount the provider collected for the previous month, less the applicable vendor fee. The funds collected shall be credited to the Colorado Disabled Telephone Users Fund.
 - (IV) Every month, each local exchange provider shall submit to the Commission a completed "Colorado Telecommunications Relay Service Surcharge" form. This form is available from the Commission or its website.
 - (A) The following information is required:
 - (i) Company name, as is on-file with the Commission;

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